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SUMMARY RECORD OF THE 1349th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 July 1994, at 10 a.m.

Chairman: Mr. ANDO

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Special report of Burundi (CCPR/C/98)

1. At the invitation of the Chairman, Mrs. Nshimirimana, Mr. Makenga and Mr. Ndikuriyo (Burundi) took places at the Committee table.

2. The CHAIRMAN recalled the decision adopted by the Committee at its forty-ninth session requesting Burundi to submit a special report relating to the situation prevailing in the country and how it affected the implementation of articles 4, 6, 7, 9, 12 and 25 of the Covenant. Since the Government of Burundi had been unable to send representatives to the Committee's fiftieth session held in New York, it had been invited to provide additional information on the written report at the current session. It was clear from the report (CCPR/C/98) that certain difficulties remained, although the Government was trying hard to resolve them. After welcoming the delegation, he outlined the Committee's working procedure: members would raise specific questions relating to the different articles and, on the basis of the delegation's replies, the Committee would make its concluding observations.

3. Mrs. NSHIMIRIMANA (Burundi), introducing the members of the Burundi delegation, said that Mr. Makenga, a former teacher and legal adviser, was currently Chef de Cabinet of the Minister of Justice. Mr. Ndikuriyo, following many years' service as a member of the national magistrature, had specialized in human rights studies in The Hague and Geneva and was now Director of the Centre for the Promotion of Human Rights in Burundi.

4. Mr. MAKENGA (Burundi) said he welcomed the opportunity for dialogue with the Committee so as to provide additional clarifications on the written report submitted and the efforts made thus far by his Government to ensure greater respect for human rights in the country. Burundi had been unable to submit the report earlier because of the particularly difficult circumstances prevailing in the country following the assassination of the Head of State in October 1993, and the subsequent events, as detailed in paragraph 2 of the report. He expressed appreciation of the interest shown and the support provided by the international community and in particular human rights bodies during that difficult period.

5. As to how such events had affected the implementation of specific articles of the Covenant, he pointed out, with reference to article 4, that no special legal measures had been taken by the Government during the crisis period. However, initially it had been impossible to enforce the law, since the Government had had to go into exile and had subsequently been thwarted in its efforts to restore peace and unity by some public officials intent on paralysing national institutions and supporting the coup d'état. None the less, the Government had eventually regained control of the situation and launched its pacification campaign.

6. As indicated in paragraph 7 of the report, there had been gross and flagrant violations of article 6, paragraph 1, of the Covenant during the

ethnic and political conflicts following the assassination of President Ndadye. The reasons for the extremely violent reaction to his death were manifold and required further explanation. First, ordinary citizens had vented their frustrations in the face of such a seemingly unjustified act, the President being generally regarded as a liberator who had enshrined the aspirations of the nation. Second, the Government had laid the blame for the assassination on members of the opposition party. Likewise, persons belonging to the ethnic group of the former President had retaliated against those of the other major ethnic group in the country. Lastly, the subsequent announcement by the instigators of the putsch that the activities of government institutions established by democratic elections would be suspended and taken over by military commands at the national and local levels had provoked uncontrollable and widespread violence resulting in the massacre of thousands of civilians.

7. Referring to article 6, paragraph 2, of the Covenant, he pointed out that the Burundi Criminal Code provided for the death penalty. However, until the results of the commissions set up to investigate acts perpetrated during the crisis period became available, he could not confirm whether the death penalty would be applied in future in Burundi and, if so, in what circumstances. It was also worthwhile mentioning that the late President had envisaged the abolition of capital punishment, as borne out by the relevant section of his human rights programme, which the Government had not yet been able to implement.

8. As to the crime of genocide covered by article 6, paragraph 3, of the Covenant, he cautioned against viewing the violence in Burundi in simplistic terms, as an attempt by one group to annihilate another segment of the population on account of its political beliefs or ethnic origins. In-depth and impartial investigations must be conducted to identify the real causes and those responsible for the violence, which did not stem merely from recent events. It dated back to 1962 and a pattern had emerged, with repeated outbreaks in 1965, 1969, 1972 and 1988 culminating in the tragic events sparked off by the assassination of the Head of State in 1993. Burundi would welcome the cooperation of the international community and competent human rights bodies in such inquiries with a view to seeking appropriate solutions and eradicating the scourge of violence once and for all. Pending the results of such inquiries, he could provide no further clarifications on the status of the rights protected by article 6, paragraphs 4, 5 and 6, of the Covenant.

9. The CHAIRMAN said that, while the background information provided thus far had been most useful, the delegation might address itself to the more recent developments affecting the implementation of the remaining articles of the Covenant under consideration.

10. Mr. MAKENGA (Burundi), referring to article 7 of the Covenant, said that allegations relating to the torture of detainees had been brought to the attention of the competent judicial authorities. Such acts could chiefly be attributed to certain elements over which the Government had exercised no control during the crisis period. Likewise, the Government recognized that, due to circumstances beyond its control, there had been serious violations of article 9 of the Covenant. During the crisis period, citizens had been unable to move freely within Burundi, fearing the prospect of attacks on political or

ethnic grounds. However, since the submission of the report there had been some improvement in the overall situation due to the Government's efforts to restore peace and harmony in the country. Such efforts would be greatly enhanced by expressions of support from the international community, inter alia, the dispatch of foreign observers to the country. Similarly, the rights protected by article 12 of the Covenant could not be guaranteed until peace was restored in Burundi, an effort, for which the support of the international community was also required.

11. With regard to article 25, he said that every citizen had the right and opportunity to take part in the conduct of public affairs. Efforts were being made to ensure respect for the legislation in force. In that regard, the pacification campaign launched by the Burundi authorities was aimed inter alia, at ensuring respect for human rights. His Government was prepared to cooperate with all parties, in particular the Human Rights Committee, to ensure the full observance of human rights, as the harmful consequences of the crisis had not been brought entirely under control. In that connection, he stressed the need to disarm the civilian population and explained that the people had armed themselves as a means of self-defence following the assassination of the President. However, peace had now been restored and the Government therefore considered that the public should hand in their weapons.

12. The Government's highest priority was the restoration of all the country's institutions, including that of the President. In that regard, he said that the current Constitution, which had been promulgated under the old regime, needed to be completely revised. However, the part relating to human rights would not be changed because everyone recognized the need for their observance.

13. Mr. NDIAYE said that the special report of Burundi gave the Committee the opportunity for a dialogue which he hoped would be instructive. It was known that Burundi was facing a crisis and was on a war footing. Members were aware of the effects of the situation in Rwanda on Burundi and knew that the army, which comprised some 22,000 men, consisted mainly of Tutsi. It was also known that the police was dominated by the same ethnic group. The delegation should tell the Committee who controlled the judiciary, indicate the components of the Government and state whether account had been taken of the ethnic and tribal realities that prevailed in Burundi. It was only on the basis of such realities that the country would be able to deal with the situation.

14. With regard to the request for assistance in the concluding part of the report, he said that what Burundi needed was a multi-disciplinary group that would remain in the country and work with the Government to establish a legal basis for the reforms to be undertaken.

15. The Committee should perhaps advise Burundi to see to it that the National Assembly or other political bodies had the power to prevent certain situations and to consider, for example, such matters as the nomination of the Head of State and the functioning of the police and the judiciary. He remarked that it was generally believed that the nation State was the superior form of State organization. However, he was convinced that such was not the

case. In some areas of Africa, it was obvious that certain socio-political realities had to be taken into account in order to avoid tragedies such as that occurring in Rwanda at the present time.

16. In his opinion, Africa was the sick man of the century. How else was it possible to explain that, despite certain events such as those in Rwanda, the young people of Africa took no kind of action? It was not only a question of means. No one was seeking to rectify the situation, and some were even trying to turn it to their advantage.

17. In order to prevent events similar to those occurring in Rwanda, it was necessary to have a force that could intervene between the various parties to a conflict. It was also necessary to have a full programme for the re-education of all segments of the population, the reorganization of institutions, the greatest possible popular participation and a more realistic concept of the State in order to achieve a better form of development for the people.

18. Mrs. EVATT said that she felt the greatest sympathy for the people of Burundi, with its long history of violence and genocide. There had clearly been massive and frequent violations of all the rights covered in the report submitted to the Committee. The heart of the problem seemed to be the ethnic conflict which had prevailed in Burundi for so long and the resulting political unrest. The content of article 25 of the Covenant must be regarded as part of the solution, and it was a matter for regret that the report contained no mention of the action that had to be taken in order to ensure equality of opportunity for all members of Burundi society who participated in public life. In that connection, she asked whether a new policy for sharing and integration at all levels of public service was being developed in Burundi. It was disappointing that the report failed to provide more information about the current situation, although it did mention violations of rights. The implication was that there was no possibility of investigating such violations or of bringing the perpetrators to justice, but not much was said about the obstacles.

19. The Committee needed to know a great deal more about the points mentioned in paragraph 22 of the report and what was actually preventing those suggestions from being implemented. With regard to judicial commissions of inquiry, she would like to know whether any findings had been reached and, if so, whether any action had been taken on them.

20. Referring to a report by an NGO committee which had carried out an investigation in Burundi, she asked whether the report had been received and considered by the Government and whether any plans had been made to implement the suggestions made in it.

21. Noting that the army was composed mainly of Tutsi, who accounted for some 40 per cent of the population, she asked what plans there were to restructure the army and to ensure that it represented the community. She would also like to know what was being done to ensure that the army came under civilian control and refrained from becoming involved in political issues.

22. Mr. EL SHAFEI expressed the hope that the dialogue between the Committee and the Burundi delegation would be useful.

23. He noted that the report admitted the existence of violations but did not indicate the perpetrators or give information about any investigations conducted. In that connection, he referred to the press release of the International Commission of Inquiry on human rights violations committed in Burundi since 21 October 1993, which stated that in the Commission's view the Government had not reacted effectively to the massacre of which it had been informed and that fear and disorganization were not convincing excuses since the ministers who had called for resistance in radio broadcasts could have used the same means of communication to appeal for an end to the massacres.

24. The report further stated that the army and the gendarmerie had used excessive force against the civilian population, that the attempted coup had clearly been the primary cause of the massacres and that the Hutu had attacked the Tutsi at the beginning of the massacres, provoking military reprisals.

25. Under the latest Constitution, the section relating to political parties specified so many conditions that it was almost impossible for the parties to function freely.

26. Noting the reference in the Constitution to the Charter of National Unity, he said he would welcome information concerning the origin of the Charter and its status in relation to the Constitution.

27. He further noted that the Constitution prohibited the establishment of political parties on the basis of ethnic groups, a provision he considered to be unjust in the light of the circumstances prevailing in Burundi.

28. Mr. WENNERGREN congratulated the Government of Burundi on having sent such a high-level delegation despite its very difficult circumstances.

29. He found it somewhat difficult to put specific questions to the delegation at the present stage, since the report did not indicate what had been the findings of investigations into the events that had occurred since October 1993.

30. The representative of Burundi had mentioned the need to find a solution; first, however, there would have to be an investigation into the root causes of the crisis. He was glad to learn that Burundi had established commissions of inquiry to identify those responsible for crimes and violations; did the fact that there were several such commissions mean that there was one commission for each region? How were the commissions organized, and what resources had they been allocated?

31. The representative of Burundi had referred to the need to disarm the civilian population, but it appeared that most of the weapons they had were tools, such as machetes: it would surely be difficult to deprive them of those. How was it planned to carry out the disarmament operation, what weapons would be confiscated, and would it be organized by the police, the army or the security forces?

32. Since abuse of power and failure to fulfil responsibilities on the part of so many public officials must be explained by some weakness in the structure of the administration and the judiciary, ought not a body to be set up to strengthen that structure? It was crucial to ensure that all members of the administration and the judiciary were impartial and commanded public confidence. He would be glad to know what plans the Government of Burundi had in that respect.

33. Mrs. CHANET welcomed the delegation and thanked the Government of Burundi for having prepared a special report on a highly complex situation.

34. She too found it difficult to pose specific questions, since although the report mentioned a series of dramatic events, it said nothing about their causes. The question of who was effectively in charge of the Government and of the army should have been answered in the report.

35. The report seemed to take a somewhat fatalistic attitude to the situation in the country. Thus, the paralysis of public services, the deaths of two Heads of State in succession and inter-ethnic conflicts were presented as explanations for the absence of the rule of law. In paragraph 22, a number of ideas were put forward for possible measures to remedy the situation, but no details were given of how they could be put into effect.

36. Had the Government given thought to how the recommendations of the International Commission of Inquiry might be implemented, and in particular what steps could be taken to ensure that the death of the Head of State did not automatically result in the collapse of the country's institutions? The core of the problem appeared to be the army: might it not be possible to restructure it so as to ensure that better ethnic balance was achieved, and that military and security forces were separated?

37. Legislation would count for nothing if the public services were in such a state of paralysis as to be unable to give effect to it. Law enforcement should be in the hands of a judiciary which was impartial and had a proper ethnic balance. The question of impunity was likewise of crucial importance. The International Commission of Inquiry had already stated that it had information about the perpetrators of violations. If the international community was to provide the assistance that was being requested of it, the Burundi authorities would need to use that information to carry out investigations and to punish those responsible.

38. Mr. PRADO VALLEJO, welcoming the delegation, said that all would deplore the tragic situation in Burundi. The report admitted that there had been human rights violations, and that the situation was far from being under control. It stated that commissions of inquiry had been set up, although it said nothing about their findings.

39. The report was thus a frank one, and did not give the impression that the Government was trying to shirk its responsibilities. However, the main problem seemed to be that those chiefly responsible for human rights violations were agents of the State, namely members of the army and the security forces. The report indicated that the Government had launched a

pacification campaign and had called on the police not to torture detainees, but that was not enough to ensure full compliance with the rights recognized under the Covenant.

40. It would seem that no one had been charged or punished in connection with violations, and that those responsible for them enjoyed complete impunity. A State had an obligation to identify the perpetrators of offences and to bring them to justice since, if impunity continued, violations would continue. It appeared that one of the reasons for that situation in Burundi was that various factions were vying for political power: steps should be taken to ensure that political power was used to guarantee democracy and the rule of law, rather than to confer privilege on a particular faction.

41. The report said nothing about the thousands of refugees who had fled human rights violations in the country. He suggested that a high-level commission of inquiry, based on a nationwide consensus, should be set up to investigate the situation and to make recommendations to the Government for specific measures to remedy it. If that were not done, it would be very difficult for the Government to overcome its current problems and to achieve genuine and effective pacification.

42. Mr. AGUILAR URBINA said that the representative of Burundi had a duty to address human rights violations. The more the Committee knew about what had occurred, and the reasons for it, the better placed it would be to give the help asked of it in paragraph 23 of the report. The Committee's task was to ensure that the tragic events which had occurred repeatedly since Burundi's accession to independence did not continue. He had been greatly concerned at recent suggestions in the press that what was now happening in Rwanda might well soon be happening in Burundi.

43. The situation was very similar to what had occurred in Central America in the course of the past decade, partly as a result of the legacy of the colonial past. He was not sure whether it was correct to speak of different ethnic groups in Burundi, since it appeared that both Tutsi and Hutu in fact belonged to the same ethnic group. It would probably be more accurate to speak of groups which had identified to a greater or lesser extent with the colonial Powers. It was important to break with a colonial past which had imposed a concept of the State that was at variance with the country's own aspirations and traditions. That problem was not exclusive to Burundi, but existed throughout Central Africa.

44. As he saw it, the Committee's main task where Burundi was concerned was to ensure respect for human rights in a climate of peace. If it were to succeed in that endeavour, it would first need to know what had happened in respect of the various commissions of inquiry, both governmental and non-governmental, which had investigated the situation in the country. The reports of those commissions had contained detailed and well-substantiated evidence of wrongdoing by specific individuals. Had they been studied by the competent authorities in Burundi? It would seem that members of the armed forces and civilians on both sides had committed human rights violations, tortured and killed with complete impunity and that no one in Burundi had done anything to bring them to justice.

45. Another important issue was the composition of the judiciary: it appeared that it was composed exclusively of members of one group, and was preventing proper investigations from being carried out. For example, a certain lieutenant colonel who had been closely implicated in the events of October 1993 was now President of the Military Court which would be judging others for their part in those events.

46. With reference to the measures proposed in paragraph 22 of the report, he agreed that disarmament of the civilian population was important, but noted what had been said about the need for the population to defend themselves. He had detected a certain ethnic tone in what had been said to the Committee. Why had the mass media been used to call on the population to commit murder and torture? Could the delegation give the Committee some information about implementation of article 20 of the Covenant in Burundi.

47. Mr. BRUNI CELLI said he had been impressed by Mr. Ndiaye's point that other countries in Africa besides Burundi were currently undergoing a similar crisis. While agreements on the political level called for a rational approach, rationality was often difficult to achieve in countries divided by ethnic, religious or cultural conflict. The potential for such conflict existed in certain European countries, but in most the political balance was such that those who held more power did not take advantage of it to violate the rights of others.

48. He would therefore urge that political leaders and decision-makers in Burundi not only seek political agreement, but also make greater efforts to ensure that the sector of the population to which they belonged did not violate the human rights of others.

49. Mr. BAN welcomed the Burundi delegation and voiced commiseration with the people of that country in their suffering. He noted from paragraph 23 of the report the hope of the Government of Burundi that the Human Rights Committee would not confine itself solely to information received through certain channels, but would adopt a balanced view of the actual situation in the country. Members of the Committee asked no more than to do just that, and it was therefore disappointing that neither the report, nor the oral presentation just made, shed much light on events since the end of 1993. More particularly, there had been no indication whether the "virtual paralysis of national institutions" (para. 2), also described as a "paralysis affecting all public services" (para. 6), since October 1993 persisted or had to any extent been overcome. Paragraph 22 (b) spoke of the establishment of judicial commissions of inquiry to identify those responsible for the various crimes; was it to be inferred that the normal institutions provided for in the Constitution were inoperative? He further inquired whether the atrocities had now come to an end and what was the impact on Burundi of events in Rwanda, and notably of the massive refugee movement sparked off by those events.

50. It had been gratifying to learn that the Government set in place after the June 1993 elections had been committed to reconciliation, presumably on the basis of some kind of coalition. But did the State organs, beginning with Parliament itself, still reflect that commitment, or were they not of a more unilateral nature?

51. Lastly, he asked for further information concerning the "Kajaga" and "Kigobe" agreements.

52. Mrs. HIGGINS welcomed the presence of the Burundi delegation in what were indeed difficult times. Noting that it was most important for the Committee to be in possession of up-to-date information on events in that country, she said that she would have liked to know what was the composition and functioning of the current Government, whether any arrests had been made among members of the armed forces, whether the democratic experiment in Burundi had been suspended or was still in some partial way being pursued, whether the situation varied from one part of the country to another, what was the impact of the appalling state of affairs in Rwanda, and what was the nature of the "Kajaga" and "Kigobe" agreements.

53. That being said, she developed Mr. Aguilar Urbina's reference to Central America, and spoke of the "vicious circles" in human rights, whereby State terrorism bred terrorism by non-State actors and then intervened again to crush the latter. For different reasons and with different motivations, Burundi seemed to be caught up in just such a circle. But if there were also positive lessons to be learned from developments in South America, the people of Burundi only had to look southward in their own continent to see how a minority whose absolute dominion had long been a source of racial hatred had, through outstanding leadership, come to relinquish some of that power in the greater interest of all.

54. Burundi's reliance on the international community was, in her view, somewhat misplaced. What could that community achieve? Renewed and extraordinarily courageous efforts and political will at the national level were called for more than anything else, not least where the ending of impunity for the authors of atrocities, the disarming of the population, the control of the military, and the reordering of the composition of the armed forces, the police and the judiciary to meet ethnic realities were concerned.

55. She found depressing the notion that, unless peace came, progress could not be made in any of those areas; was it not the principal message out of South America and South Africa that the circle might be broken at another point and that, when processes of justice and reconciliation were set in motion, peace came in their train?

56. Mr. POCAR commended the candour of the delegation of Burundi in acknowledging numerous violations of human rights that were amply documented in material from other sources; it was to be regretted that the delegation had been unable to identify the causes or to show where the responsibilities lay.

57. Paragraph 22 of the report alluded to the political will, constantly reasserted by the Burundi Government and all those concerned at the national level, to find a satisfactory solution to all existing problems so that human rights would once again be properly respected. That was an admirable statement of intent, but its realization was conspicuously absent. Nor was it enough to state (para. 9) that commissions of inquiry had been set up to identify offences and apportion responsibility, and that their reports were awaited: the Committee would wish to know how those bodies had been established and composed, how they functioned, whether they were accessible

to individual citizens, whether they could address the issue of impunity, and much more besides. Without genuine inquiry and action thereon, the "pacification" of the country would amount to no more than placing a lid on the situation until the inter-ethnic pressures rose to bursting-point once more; until the rule of law was set in place, there could be neither respect for nor peaceful exercise of human rights.

58. He had been distressed to learn of the use of the mass media to fan the flames of hatred, hostility and violence in Burundi, rather than to damp down the conflict. That surely constituted a violation of article 20 of the Covenant. Recalling that the Committee on the Elimination of Racial Discrimination had recently voiced concern at the absence in Burundi of any effective prohibition of inter-ethnic violence, he stressed the urgent need for positive measures whereby such violence, and the incitement to racial hatred that inspired it, might be brought to an end. Foremost among such measures must be a reorganization of the composition of the institutions of the State and public life and notably the army and the police, to ensure equality of access on the part of all members of the population.

59. There could be no doubt that the international community wanted to help Burundi to emerge from its difficulties. But its assistance, to be effective, must be based on an informed picture of the situation as it really was, on specific requests, and on a real possibility of influencing the situation for the better. Unfortunately, those three prerequisites were all for the moment lacking.

60. Mr. DIMITRIJEVIC, while welcoming the Burundi delegation, said he shared the feelings of disappointment concerning the report and its oral presentation. There was no question of apportioning blame for the shortcomings; it should merely be recognized that, for all its good intentions and desire to cooperate with the Committee, the Government had little power to influence events. In the absence of the updating they had hoped for, the members of the Committee must address the root causes of the situation, and that was no easy task, despite the numerous reasonable and intelligent analyses available.

61. What was clear, however, was that the massive violations of human rights that had occurred in Burundi were the consequence of an ungovernable situation, of a deep fault in the country's society that produced periodic upheavals which resembled each other in their points of departure and in the course they followed. Authoritarian action, often by the military, led to "vigilante"-style killings by unruly elements which, despite what was claimed, did not follow genuinely inter-ethnic lines, in so far as the Tutsi and the Hutu did not appear to be distinct ethnic entities in the usual sense of that term. It seemed, rather, that differences between the two groups had initially been fostered and exploited by the colonial Powers to serve their own ends; the result was an unusual problem that required an innovative solution which perhaps lay with the educated younger generation.

62. If there was a need for international assistance, then it should take the form not so much of specialized aid in the domain of human rights as of advice from persons familiar with and capable of understanding the special nature of Burundi's dilemma and of pursuing the matter through the constitutional

dimension of the modern State right into the heart of Burundi's traditional society. For what Burundi needed more than anything was a form of civil society that would hold the country together by instruments other than those of repression. To that end, a report free of taboos and utterly frank in its account of the situation would be far more useful than one which pretended that the Government was in control. Perhaps the "Kajaga" and "Kigobe" agreements marked a first step in the direction of the understanding he had referred to; he would certainly welcome confirmation that that was so.

63. Mr. FRANCIS, after welcoming and thanking the delegation of Burundi, inquired particularly about the situation in Burundi's prisons, asking whether members of the two ethnic communities were segregated in order to avoid clashes between them.

64. Concerning the announced disarmament of the civilian population, he asked whether a period of amnesty had been declared for the voluntary surrender of firearms.

65. Referring to the "basis of a consensus for the management of the country's political affairs", described as a goal in paragraph 22 (c) of the report, he suggested, in the event of a decision to draft a new Constitution, that such a task might be entrusted to a Constitutional Commission comprising representatives of political parties, trade unions, universities and other teaching institutions, churches, women's organizations and youth organizations, the aim being to ensure the broadest possible participation in that exercise.

66. Mr. SADI, after commending the delegation of Burundi on its candour, submitted that the situation in the country had spiralled out of control, and asked why a state of emergency had not been declared in recognition of that fact. With troubles beyond its own borders, Burundi was not alone; the entire region desperately needed sympathy, understanding and help. But facts must be faced. National reconciliation and ethnic balance were fine goals, but it would take a very long time to transform tribal loyalty into the contemporary form of loyalty to the State. All that could be reasonably hoped at present was that the Government would regain control; all that could be reasonably asked was that the process of healing would be initiated as soon as possible. The international community could not substitute itself for the people of the region in working out their destiny.

67. Mr. LALLAH joined in welcoming the delegation of Burundi and commended its acknowledgement of the gravity of the situation. Human rights had been repeatedly violated in virtually all the ways imaginable for more than a quarter of a century in Burundi, essentially for reasons related to the possession and exercise of power. It was difficult to see what the international community could do to break that chain of circumstances. Mr. Ndiaye had evoked the issue of the nation State and the problems that concept posed in Africa; he himself would go further, and say that no system was workable if it was rejected by the people on whom it was imposed. And it would obviously take uncommon skills of leadership and commitment to bring Tutsi and Hutu together, for differences did exist between them, however they were described, and they were indeed engaged in killing one another.

68. As long as part of the population was excluded from the exercise of power, violations would continue and even worsen. Exclusion was synonymous with lack of confidence. Why, then, did Burundi have an army of 20,000 composed essentially of Tutsi? How was it that members of the judiciary and civil service were drawn almost exclusively from just 14 per cent of the total population? Might not collegiate power at all levels be envisaged as an interim measure? Could not the armed forces have two commanders-in-chief, one Hutu and one Tutsi?

69. Paragraph 20 of the report maintained that article 25 of the Covenant had "generally been applied". The rider should be added: "with no success". The same was doubtless true of all the other articles.

70. As to what the international community could do, he himself believed that any measure involving any kind of trusteeship must be excluded. Food and medical aid might be provided, but the simple truth must be faced squarely: the people of Burundi must guide themselves out of their impasse; they must accept their differences; they must learn to share power. They alone could find the peace they so desired.

71. The CHAIRMAN noted that there were no more speakers. He assured the delegation of Burundi that neither criticism nor challenge formed part of the Committee's mandate; its members sought only to advance the cause of human rights. That had surely been obvious from their statements so far, which had sometimes sounded like concluding observations. He hoped that in the short time available to it, the delegation would be able to prepare replies to the specific questions asked, so as to ensure a fruitful continuation of the dialogue.

The meeting rose at 1 p.m.